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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,403	06/17/2005	Martin Jakubowski	A74US	4538
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Martin Jakubowski				
Patenbuero Paul Rosenich				
BGZ FL-9497				
Triesenberg, Liechtenstein,				
GERMANY				
			EXAMINER	
			EDGAR, RICHARD A	
			ART UNIT	PAPER NUMBER
			3745	
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			07/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/539,403

Applicant(s)

JAKUBOWSKI ET AL.

Examiner

Richard Edgar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2007 under 37 CFR 1.111.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20, 42-53, 55 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20, 42-53, 55 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 20, 42-45, 47, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Japanese Patent Application Laid-open No. 2002-285951.

Japanese Patent Application Laid-open No. 2002-285951 shows a buoyant foundation comprising a foundation body 4 having an upper part of the foundation adapted to support a turbine tower 3 having a wind turbine 2 extending therefrom wherein the foundation body 4 is adapted to be submerged below a wave motion area of water. A tension cable 9 is tethered between the tower 3 and the foundation body 4. The turbine tower 3 comprises a chamber 2b for electrical installation and at least one storage chamber 2a. The invention further comprises an anchoring system comprising

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a tether and counterweight 6 extending from the foundation body and the surface of a floor of a body of water wherein the anchoring system is adapted to retain the foundation body submerged below the wave motion area of water. The foundation body 4 comprises bodies capable of being filled with water and gas. The invention is suitable for fish farming (see Abstract).

Claims 20, 42-44, 46-47, 51, 53 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO International Publication Number WO 01/73292 A1.

WIPO International Publication Number WO 01/73292 A1 shows a buoyant foundation comprising a foundation body 4 having an upper part of the foundation adapted to support a turbine tower having a wind turbine 10 extending therefrom wherein the foundation body 4 is adapted to be submerged below a wave motion area of water (see page 4, lines 1-3). A tension cable 5 is tethered to the turbine tower 1 and the foundation body 4. The tower comprises a chamber for electrical installation 2 and a chamber for storage 1. An anchoring system 8 extends from the foundation body 4 and the floor of the body of water (see page 11, lines 6-8). The foundation body 4 comprises hollow tubes (see Fig. 4a, 4b) which are adjusted with water and air to adjust the buoyancy of the foundation.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO International Publication Number WO 01/73292 A1 as applied to claim 20 above, and further in view of United States Patent No. 2,394,764.

WIPO International Publication Number WO 01/73292 A1 discloses pontoons 4, but does not state that the pontoons are metal.

United States Patent No. 2,394,764 discloses metal pontoons (see title) for the purpose of rendering a buoyant structure.

Since WIPO International Publication Number WO 01/73292 A1 discloses pontoons and United States Patent No. 2,394,764 teaches pontoons are metal, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the WIPO International Publication Number WO 01/73292 A1 pontoons from metal as taught by United States Patent No. 2,394,764 for the purpose of rendering the foundation buoyant.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application Laid-open No. 2002-285951 as applied to claim 49 above, and further in view of United States Patent No. 5,617,813.

Japanese Patent Application Laid-open No. 2002-285951 discloses a fish farm installation at a floating wind power installation, but not a cage or net.

United States Patent No. 5,617,813 shows a fish farming installation uses a cage or net 32, 36 to contain fish.

Since Japanese Patent Application Laid-open No. 2002-285951 teach to farm fish and United States Patent No. 5,617,813 teaches to use a net to farm fish, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a net in the fish farming installation of Japanese Patent Application Laid-open No. 2002-285951 as taught by United States Patent No. 5,617,813 for the purpose of containing fish.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO International Publication Number WO 01/73292 A1 as applied to claim 51 above, and further in view of Great Britain Patent 849,887.

WIPO International Publication Number WO 01/73292 A1 shows a floating wind turbine 10 on pontoons 4 but does not show an adjustable anchoring system comprising counterweights which are adjusted to control the depth of the platform.

Great Britain Patent 849,887 teaches a floating platform 152 comprising pontoons 160 and counterweights 174 which are adjustable to control the depth of the platform 152.

Since WIPO International Publication Number WO 01/73292 A1 is a floating platform on pontoons, and Great Britain Patent 849,887 teaches a floating platform on pontoons with counterweights that are adjustable to control the depth of the platform, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of WIPO International Publication Number WO 01/73292 A1 to have adjustable counterweights as shown by Great Britain Patent 849,887 for the purpose of adjusting the depth of the wind turbine platform.

Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO International Publication Number WO 01/73292 A1 as applied to claim 55 above, and further in view of Japanese Patent Application Laid-open No. 2002-285951.

WIPO International Publication Number WO 01/73292 A1 shows a floating wind turbine installation but does not mention a fish farming installation attached thereto.

Japanese Patent Application Laid-open No. 2002-285951 teaches in the Abstract, a fish farming installation attached to a floating wind turbine installation for the purpose of harvesting fish.

Since WIPO International Publication Number WO 01/73292 A1 teaches a floating wind turbine installation and Japanese Patent Application Laid-open No. 2002-285951 teaches attaching a fish farming installation to a floating wind turbine

installation, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the WIPO International Publication Number WO 01/73292 A1 to have a fish farming installation as taught by Japanese Patent Application Laid-open No. 2002-285951 for the purpose of harvesting fish.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Monday thru Friday, 7 am- 5 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard Edgar/  
Primary Examiner  
Art Unit 3745

RE

approved  
ph  
6/27/2007

# Replacement Sheet

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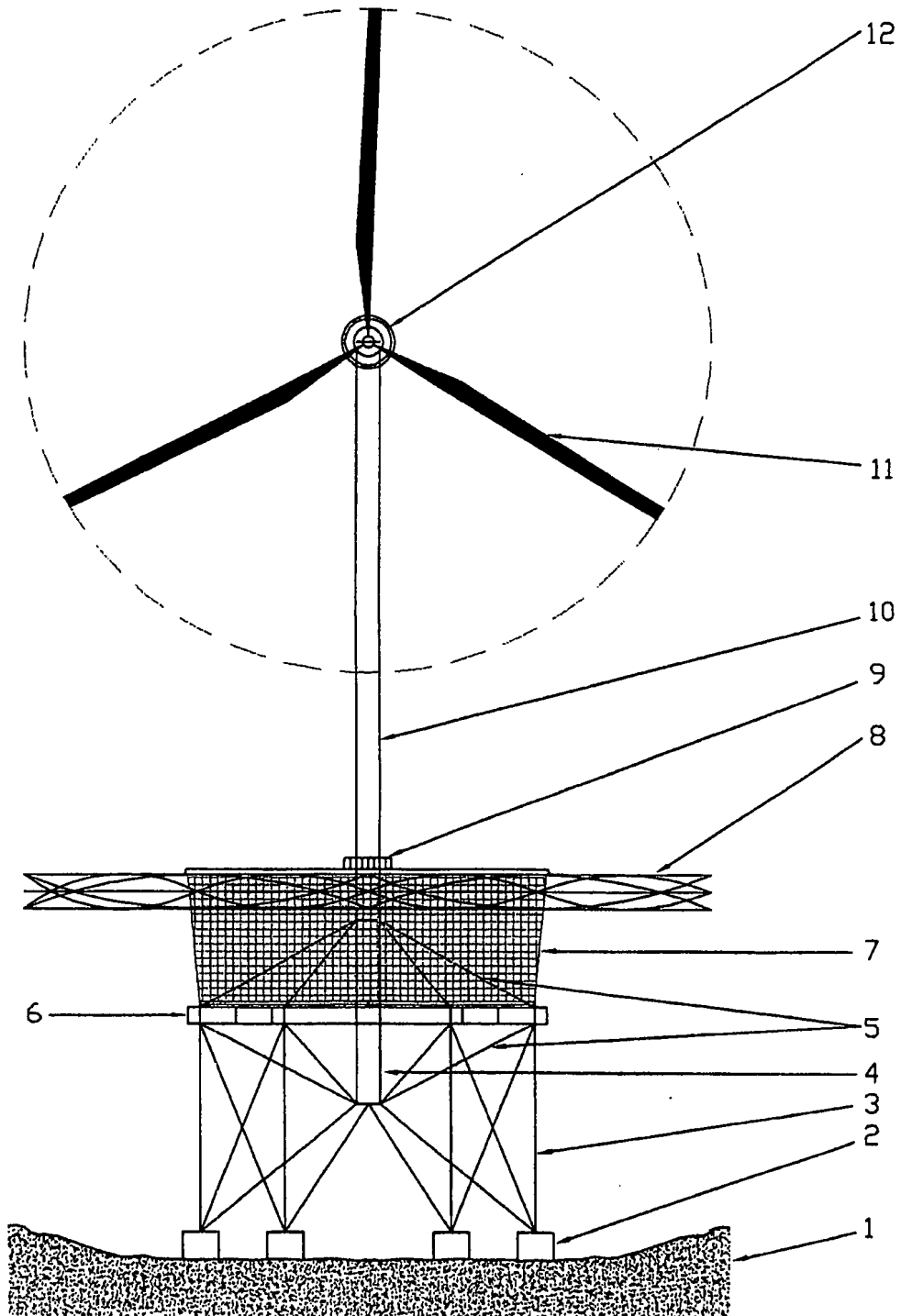


Fig. 1